



CITY OF GRAND RAPIDS AGENDA ACTION REQUEST

DATE: May 22, 2018

TO: Eric R. DeLong, Interim City Manager

COMMITTEE: Community Development Committee
LIAISON: Tom Almonte, Managing Director of Public Services

FROM: Jeffrey McCaul, Acting City Engineer
Engineering Department

SUBJECT: **Resolution approving a Relinquishment of Public Utility Easements in Vacated Prospect Avenue from 202 feet North of Michigan Street to I-196 and in Vacated North Avenue from Michigan Street to I-196**

On November 10, 1992 (Proceeding No. 56977) the City approved a consent resolution in connection with the Vacation of Prospect Avenue from 202 feet North of Michigan Street to I-196 and the Vacation of North Avenue from Michigan Street to I-196 that was approved by the Kent County Circuit Court and recorded in Liber 3155, Page 1288, Kent County Register of Deeds. The City preserved utility easement rights in the portions of Prospect Avenue and North Avenue that were vacated at that time. The City's utility easements were also depicted in two amended plats that were prepared as a result of the street vacations that are recorded in Liber 104 of Plats, Pages 12-13 and in Liber 104 of Plats, Pages 16-17, Kent County Register of Deeds.

On March 27, 2018 (Proceeding No. 87561) the City approved a Construction Agreement and a Financing Agreement in connection with Storm Sewer in Michigan Street, Prospect Avenue (Vacated), North Avenue (Vacated) and Sinclair Avenue and Improvements in Sinclair Avenue (GVSU-Spectrum Parking Ramp). The GVSU-Spectrum Parking Ramp project will abandon all public utilities within the previously vacated portions of Prospect Avenue and North Avenue, and it is necessary to approve a Relinquishment of Utility Easements to remove the City's easement rights that were preserved in the street vacation court order and depicted on the amended plats.

The attached resolution provides for the approval of a Relinquishment of Utility Easements in connection with the aforesaid street vacations, and authorizes the Mayor to execute the same on behalf of the City contingent upon approval as to form by the City Attorney. No compensation was paid to the City for the preservation of the easements in the street vacation court action, and the City will not receive any compensation for the Relinquishment of Utility Easements.

cc: Patrick Lannen
Jonathan Anderson, Varnum LLP
Arden Postma
Jack Stegehuis

#17106

YOUR COMMUNITY DEVELOPMENT COMMITTEE recommends adoption of the following resolution approving a Relinquishment of Utility Easements in Vacated Prospect Avenue from 202 feet North of Michigan Street to I-196 and in Vacated North Avenue from Michigan Street to I-196.

WHEREAS:

1. On November 10, 1992 (Proceeding No. 56977) the City approved a consent resolution in connection with the Vacation of Prospect Avenue from 202 feet North of Michigan Street to I-196 and the Vacation of North Avenue from Michigan Street to I-196 that was approved by the Kent County Circuit Court and recorded in Liber 3155, Page 1288, Kent County Register of Deeds. The City preserved utility easement rights in the portions of Prospect Avenue and North Avenue that were vacated at that time. The City's utility easements were also depicted in two amended plats that were prepared as a result of the street vacations that are recorded in Liber 104 of Plats, Pages 12-13 and in Liber 104 of Plats, Pages 16-17, Kent County Register of Deeds; and
2. On March 27, 2018 (Proceeding No. 87561) the City approved a Construction Agreement and a Financing Agreement in connection with Storm Sewer in Michigan Street, Prospect Avenue (Vacated), North Avenue (Vacated) and Sinclair Avenue and Improvements in Sinclair Avenue (GVSU-Spectrum Parking Ramp). The GVSU-Spectrum Parking Ramp project will abandon all public utilities within the previously vacated portions of Prospect Avenue and North Avenue, and it is necessary to approve a Relinquishment of Utility Easements to remove the City's easement rights that were preserved in the street vacation court order and depicted on the amended plats; therefore

RESOLVED:

1. That a Relinquishment of Utility Easements is hereby approved to the following property owners or their successors in interest for the described utility easements recorded in Liber 3155, Page 1288, Liber 104 of Plats, Pages 12-13, and Liber 104 of Plats, Pages 16-17, Kent County Register of Deeds, for no compensation:

Grand Valley State University
3080 James H. Zumberge Hall
Allendale, Michigan 49428

Spectrum Health Hospitals
100 Michigan Street NE
Grand Rapids, Michigan 49503

McDonalds Corporation
One McDonald's Plaza

Oak Brook, Illinois 60523

Part of 425 Prospect Ave. NE, Parcel No. 41-14-19-382-039, 414 Prospect Ave. NE, Parcel No. 41-14-19-383-032, 424 North Ave. NE, Parcel No. 41-14-19-383-032, and 417 Michigan St. NE, Parcel No. 41-14-19-455-025

PROSPECT AVENUE VACATION

A Utility Easement described as: The East 23.00 feet of Lots 6 and 5, and the West 23.00 feet of Lots 15, 14, 11 and that part of Lot 10 lying South of the South line of I-196, all in "Amended Plat of Lots 5 and 6 and adjacent vacated Prospect Avenue, Knapps' Subdivision of Lots 50, Coit and Curtis Partition Plat, Liber 5, Page 43 and Lots 9, 11, 12, 13, 14, 15, 16, 17 and adjacent vacated Prospect and adjacent vacated North Avenues, Knapp and Companys' Subdivision of Block 1 of Coit and Companys' addition Liber 5, Page 43, part of the SW 1/4 of Section 19, Town 7 North, Range 11 West, City of Grand Rapids, Kent County, Michigan" as recorded in Liber 104 of Plats, Pages 16 and 17, Kent County records, being a portion of Prospect Place (now Prospect Avenue), as recorded in "Plat of Knapp's Subdivision of Lot 50, Coit and Curtis' Partition Plat and Knapp & Co's Subdivision of Block 1, Coit and Co's Addition to the City of Grand Rapids", as recorded in Liber 5, Page 43, Kent County records, and vacated in Liber 3155, Page 1288, Kent County records, also described as: Beginning at the Southeast corner of said Lot 6; thence along the South line of said Lot 6 and the South line of a private easement for ingress/egress and public utilities, N88°52'47"W 23.00 feet to the West line of vacated Prospect Avenue and the West line said easement; thence parallel with and 23.00 feet West of the East line of said Lots 6 and 5 and along the West line of vacated Prospect Avenue and the West line of said easement, N00°46'01"E 150.00 feet to the North line of said Lot 5, the North line of said easement, and the South line of I-196; thence along the North line of said Lot 5, the North line of said Lot 10, the North line of said easement, and the South line of I-196, S78°31'33"E 46.82 feet to the East line of vacated Prospect Avenue and the East line of said easement; thence parallel with and 23.00 feet East of the West line of said Lots 10, 11, 14, and 15 and along the East line of vacated Prospect Avenue and the East line of said easement, S00°46'01"W 141.58 feet to the South line of said Lot 15 and the South line of said easement; thence along the South line of said Lot 15 and the South line of said easement, N88°52'47"W 23.00 feet to the Point of Beginning. Said easement contains 6,707 square feet, more or less.

NORTH AVENUE VACATION

A Utility Easement described as: The East 33.00 feet of Lots 17, 16, 13,

12, and that part of Lot 9 lying South of the South line of I-196, all in "Amended Plat of Lots 5 and 6 and Adjacent Vacated Prospect Avenue, Knapps' Subdivision of Lots 50, Coit and Curtis Partition Plat, Liber 5, Page 43 and Lots 9, 11, 12, 13, 14, 15, 16, 17 and Adjacent Vacated Prospect and Adjacent Vacated North Avenues, Knapp and Companys' Subdivision of Block 1 of Coit and Companys' addition Liber 5, Page 43, part of the SW 1/4 of Section 19, Town 7 North, Range 11 West, City of Grand Rapids, Kent County, Michigan" as recorded in Liber 104 of Plats, pages 16 and 17, Kent County records, and the West 33.00 feet of Lots 1, 22, 21, 20, 19, and that part of Lot 18 lying South of the South line of I-196, all in "Amended Plat of Lots 1, 18, 19, 20, 21, 22 and Adjacent Vacated North Avenue, Block 2, Clancys' Addition, Liber 2, Page 56, part of the SE 1/4 of Section 19, Town 7 North, Range 11 West, City of Grand Rapids, Kent County, Michigan" as recorded in Liber 104 of Plats, Pages 12 and 13, Kent County records (said amended plat is an amendment of Block 1 of Clancy's Addition), being a portion of North Avenue, as recorded in "Clancy's Addition", as recorded in Liber 2, Page 56, Kent County records, and as recorded in "Plat of Knapp's Subdivision of Lot 50, Coit and Curtis' Partition Plat and Knapp & Co's Subdivision of Block 1, Coit and Co's Addition to the City of Grand Rapids", as recorded in Liber 5, Page 43, Kent County records, and vacated in Liber 3155, Page 1288, Kent County records, also described as: Beginning at the Southeast corner of said Lot 17; thence along the South line of said Lot 17 and the South line of a private easement for ingress/egress and public utilities, N86°33'59"W 33.04 feet to the West line of vacated North Avenue and the West line said easement; thence parallel with and 33.00 feet West of the East line of said Lots 17, 16, 13, 12, and 9 and along the West line of vacated North Avenue and the West line of said easement, N00°47'13"E 351.11 feet to a North line of said Lot 9, the North line of said easement, and the South line of I-196; thence along a North line of said Lot 9, a North line of said Lot 18, the North line of said easement, and the South line of I-196, N77°36'40"E 67.79 feet to the East line of vacated North Avenue and the East line of said easement; thence parallel with and 33.00 feet East of the West line of said Lots 18, 19, 20, 21, 22, and 1 and along the East line of vacated North Avenue and the East line of said easement, S00°47'13"W 369.01 feet to the South line of said Lot 1 and the South line of said easement; thence along the South line of said Lot 1 and the South line of said easement, N87°36'12"W 33.01 feet to the Point of Beginning. Said easement contains 23,776 square feet, more or less; and

2. That the Mayor and City Clerk are hereby authorized to execute the aforesaid Relinquishment of Utility Easements on behalf of the City, contingent upon approval as to form by the City Attorney; and
3. That the City Clerk is hereby authorized and directed to record the aforesaid Relinquishment of Utility Easements with the Kent County Register of Deeds.

Prepared by Christine Barfuss and Rick DeVries

CORRECT IN FORM

A handwritten signature in blue ink, appearing to read "Shannon D. Jones", is written over a horizontal line.

DEPARTMENT OF LAW